



To the Honorable Council  
City of Norfolk, Virginia

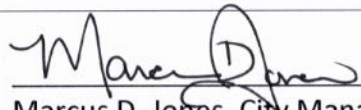
February 9, 2016

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special Exception for a Day Care Home with up to nine children at 3611 Bell Street – Bettina's Blissful Home Day Care**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-9**

- I. **Staff Recommendation: Approval.**
- II. **Commission Action: By a vote of 7 to 0, the Planning Commission recommends **Approval**.**
- III. **Request: Special exception – day care home with up to nine children on a residential property between 5,000-6,000 square feet.**
- IV. **Applicant: Bettina's Blissful Home Day Care**
- V. **Description:**
  - The subject property is located on the western side of Bell Street, between Norvella Avenue and Hampshire Avenue, in the Brandon Place neighborhood.
  - Granting this request will allow the existing home business, Bettina's Blissful Home Day Care, to expand its capacity from five children to nine children.
  - In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.
  - A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

Staff point of contact: Matthew Simons at 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

**Attachments:**

- Staff Report to CPC dated January 28, 2016 with attachments
- Proponents and Opponents
- Letter of Support – Greenwood/Elmhurst/Norview Heights Civic League
- Ordinance



**Planning Commission Public Hearing: January 28, 2016**

Executive Secretary: George M. Homewood, AICP, CFM *GH*

Planner: Matthew Simons, AICP, CZA, CFM *M.S.*

Staff Report	Item No. 4	
Address	3611 Bell Street	
Applicant	Bettina's Blissful Home Day Care	
Request	Special Exception	Day Care Home with up to nine children on a residential property between 5,000-6,000 sq. ft.
Property Owner	Bettina J. Myrick-Bergan	
Site Characteristics	Site/Building Area	5,000 sq. ft./1,255 sq. ft.
	Future Land Use Map	Single-Family Traditional
	Zoning	R-8 (Single-Family)
	Neighborhood	Brandon Place
	Character District	Suburban
Surrounding Area	North	R-8: single-family homes
	East	R-8: single-family homes
	South	R-8: single-family homes
	West	R-8: single-family homes



#### A. Summary of Request

- The subject property is located on the western side of Bell Street, between Norvella Avenue and Hampshire Avenue, in the Brandon Place neighborhood.
- Granting this request will allow the existing home business, Bettina's Blissful Home Day Care, to expand its capacity from five children to nine children.
- In order to address any potential impacts to neighbors, a special exception is required for day care homes with between six to nine children on any residential lot between 5,000-5,999 square feet in lot area.

#### B. Plan Consistency

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as single family traditional.

#### C. Zoning Analysis

##### i. General

- The site is located in an R-8 (Single-Family) zoning district on a lot with 5,000 square feet of lot area, which permits the proposed use with a special exception.

	Proposed
Hours of Operation	5:30 a.m. to 6:30 p.m., Monday through Friday
Hours for Outdoor Play Area	8:00 a.m. to 6:00 p.m., Monday through Friday

- A new Certificate of Occupancy will be required to ensure that the home can safely accommodate an increase from a five-child to nine-child day care home.

##### ii. Parking

The site accommodates two off-street parking spaces, which complies with *Zoning Ordinance* requirements.

##### iii. Flood Zone

The property is located in the X Flood Zone, which is a low-risk flood zone.

#### D. Transportation Impacts

- Institute of Transportation Engineers figures estimate that proposed daycare operation on this site will generate 40 new vehicle trips per day.
- Since every child drop-off consist of two trips (arriving and departing), the additional child capacity should only represent about five new cars arriving and departing twice per day.
  - The increased intensity will likely have only negligible impacts.



**E. Historic Resources Impacts**

- The site is not located within a federal, state, or local historic district.
  - Since the structure on the site is at least 50 years old, the site could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

**F. Public Schools Impacts**

N/A

**G. Environmental Impacts**

No environmental impacts are anticipated with the proposed day care home expansion.

**H. Surrounding Area/Site Impacts**

- A six-foot solid fence will be required to be installed and maintained prior to Zoning Approval for the increased occupancy.
- It is unlikely that there will be any new impacts to the surrounding neighbors.

**I. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**J. Civic League**

Notice was sent to the Greenwood/Elmhurst/Norview Heights Civic League on December 16.

**K. Communication Outreach/Notification**

- Legal notice was posted on the property on December 15.
- Letters were mailed to all property owners within 300 feet of the property on January 15.
- Legal notification was placed in *The Virginian-Pilot* on January 14 and January 21.

**L. Recommendation**

Staff recommends **approval** of the special exception request subject to shown below:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which reside at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.
- (c) The hours of operation for the day care home shall be limited to 5:30 a.m. until 6:30 p.m. Monday through Friday and closed Saturday and Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Friday. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.

- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

**Attachments**

Location Map

Zoning Map

Application

Physical Survey

Notice to the Greenwood/Elmhurst/Norview Heights Civic League

## **Proponents and Opponents**

### **Proponents**

Bettina Myrick Bergan  
3611 Bell Street  
Norfolk, VA 23513

Patricia Temple  
2261 Jeffrey Drive  
Norfolk, Virginia 23518

### **Opponents**

None

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved: M. S.

By

DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE OPERATION OF A DAY CARE HOME ON PROPERTY LOCATED AT 3611 BELL STREET.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to permit the operation of a Day Care Home on property located at 3611 Bell Street. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 50 feet, more or less, along the western line of Bell Street beginning 100 feet, more or less, from the northern line of Norvella Avenue and extending northwardly; premises numbered 3611 Bell Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The number of children shall be limited to a maximum of nine (9), excluding any children who are members of the family which resides at the home.
- (b) No zoning approval shall be granted to permit the use authorized by this special exception unless and until the applicant obtains a new certificate of occupancy to reflect the maximum occupancy allowed hereunder.
- (c) The hours of operation for the day care home shall be limited to 5:30 a.m. until 6:30 p.m. Monday through Friday and closed on Saturday and Sunday. The hours for use of the outdoor play area shall be limited to 8:00 a.m. until 6:00 p.m. Monday through Friday. No use of the residence as a day care home shall be permitted outside the hours of operation listed herein.



- (d) An opaque fence not less than six (6) feet in height shall be installed around the outdoor play area and shall be located in conformity with the regulations of section 13-2.3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended).

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in



the destruction, loss or damage of natural, scenic or historic features of significant importance;

- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.



**Location Map**



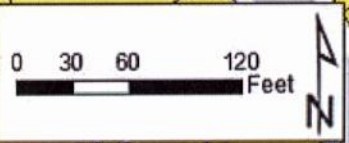
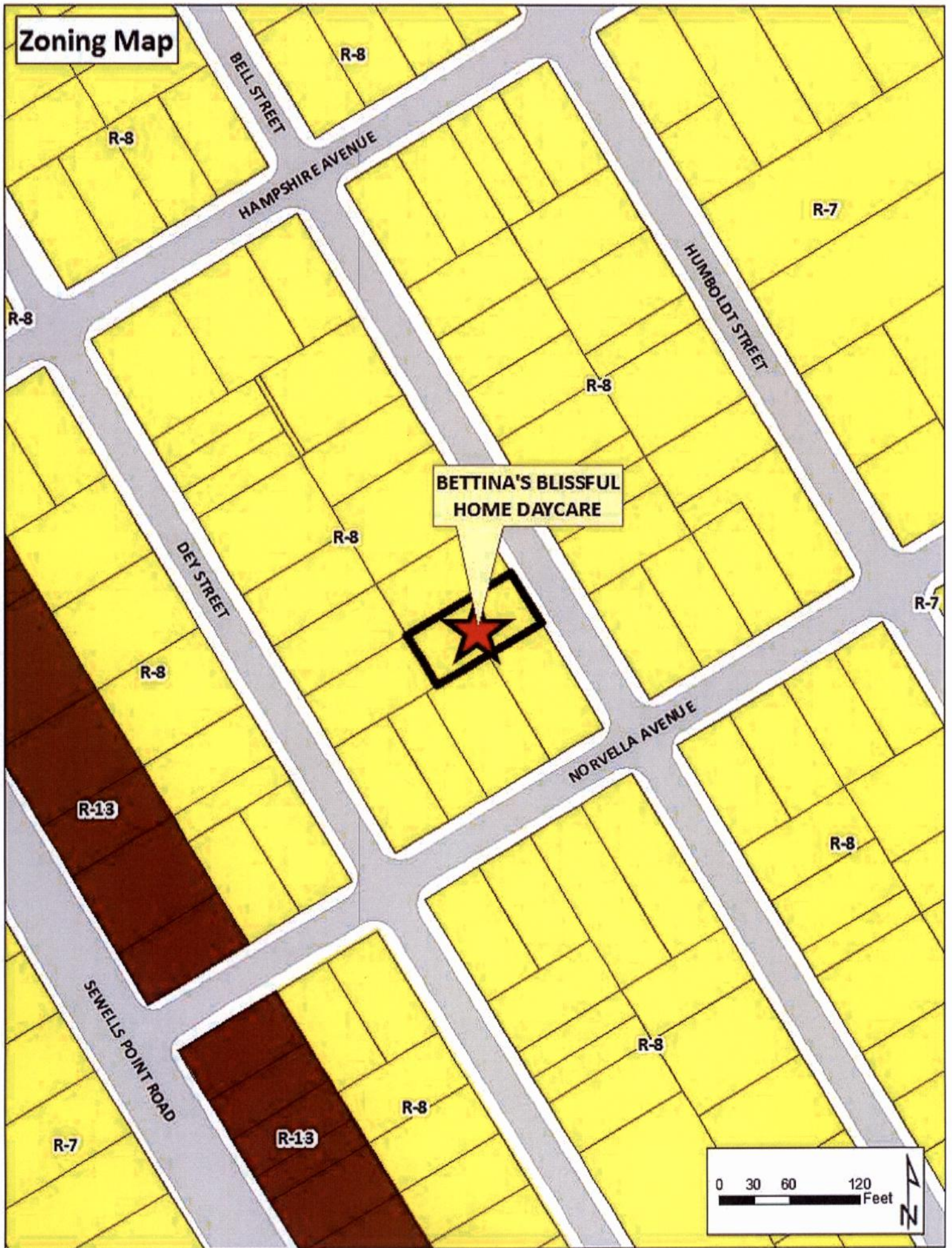
**BETTINA'S BLISSFUL  
HOME DAYCARE**

0 10 20 40 Feet

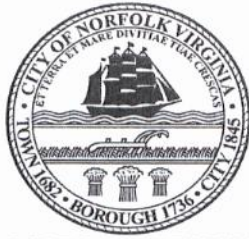




# Zoning Map







**APPLICATION  
SPECIAL EXCEPTION**

Special Exception for: Day Care Home - up to 9 children

Date of application: 11/5/15

**DESCRIPTION OF PROPERTY**

Property location: (Street Number) 3611 (Street Name) Bell St

Existing Use of Property Day Care Home - 5 children

Current Building Square Footage 1,255

Proposed Use Day Care Home - up to 9 children

Proposed Square Footage same

Proposed Hours of Operation:

Weekday From 5:30 am To 6:30 pm

Friday From " To "

Saturday From none To none

Sunday From none To none

Trade Name of Business (If applicable) Bethina's Blissful Home Daycare

**DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January, 2015)



**APPLICANT**

(If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)

1. Name of applicant: (Last) Myrick-Bergan (First) Bettina (MI) J  
Mailing address of applicant (Street/P.O. Box): 3611 Bell St  
(City) Norfolk (State) VA (Zip Code) 23513  
Daytime telephone number of applicant (757) 747-7496 Fax ( ) \_\_\_\_\_  
E-mail address of applicant: Kitteon11@aol.com

**AUTHORIZED AGENT (if applicable)**

(If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)

2. Name of applicant: (Last) \_\_\_\_\_ (First) \_\_\_\_\_ (MI) \_\_\_\_\_  
Mailing address of applicant (Street/P.O. Box): \_\_\_\_\_  
(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_  
Daytime telephone number of applicant ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
E-mail address of applicant: \_\_\_\_\_

**PROPERTY OWNER**

(If property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)

3. Name of property owner: (Last) Myrick-Bergan (First) Bettina (MI) J  
Mailing address of property owner (Street/P.O. box): 3611 Bell Street  
(City) Norfolk (State) VA (Zip Code) 23513  
Daytime telephone number of owner (757) 747-7496 email: Kitteon11@aol.com

**DEPARTMENT OF CITY PLANNING**

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**CIVIC LEAGUE INFORMATION**

Civic League contact: Greenwood/Elmhurst/Norview Heights - Jackie Rachelle  
435-2302

Date(s) contacted: OCT. 23, 2015

Ward/Super Ward information: ward - 3 / superward - 7

**REQUIRED ATTACHMENTS:**

- ✓ Required application fee, **\$355.00** (if check, make payable to the City of Norfolk).
  - Application fee includes a non-refundable \$5 technology surcharge.
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line):
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- ✓ One 8½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable.

**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Bettina Bergan Sign: B. Bergan 11/15/2015  
(Property Owner) (Date)

Print name: Bettina Bergan Sign: B. Bergan 11/15/2015  
(Applicant) (Date)

**ONLY NEEDED IF APPLICABLE:**

Print name: \_\_\_\_\_ Sign: \_\_\_\_\_ / / \_\_\_\_\_  
(Authorized Agent Signature) (Date)

**DEPARTMENT OF CITY PLANNING**

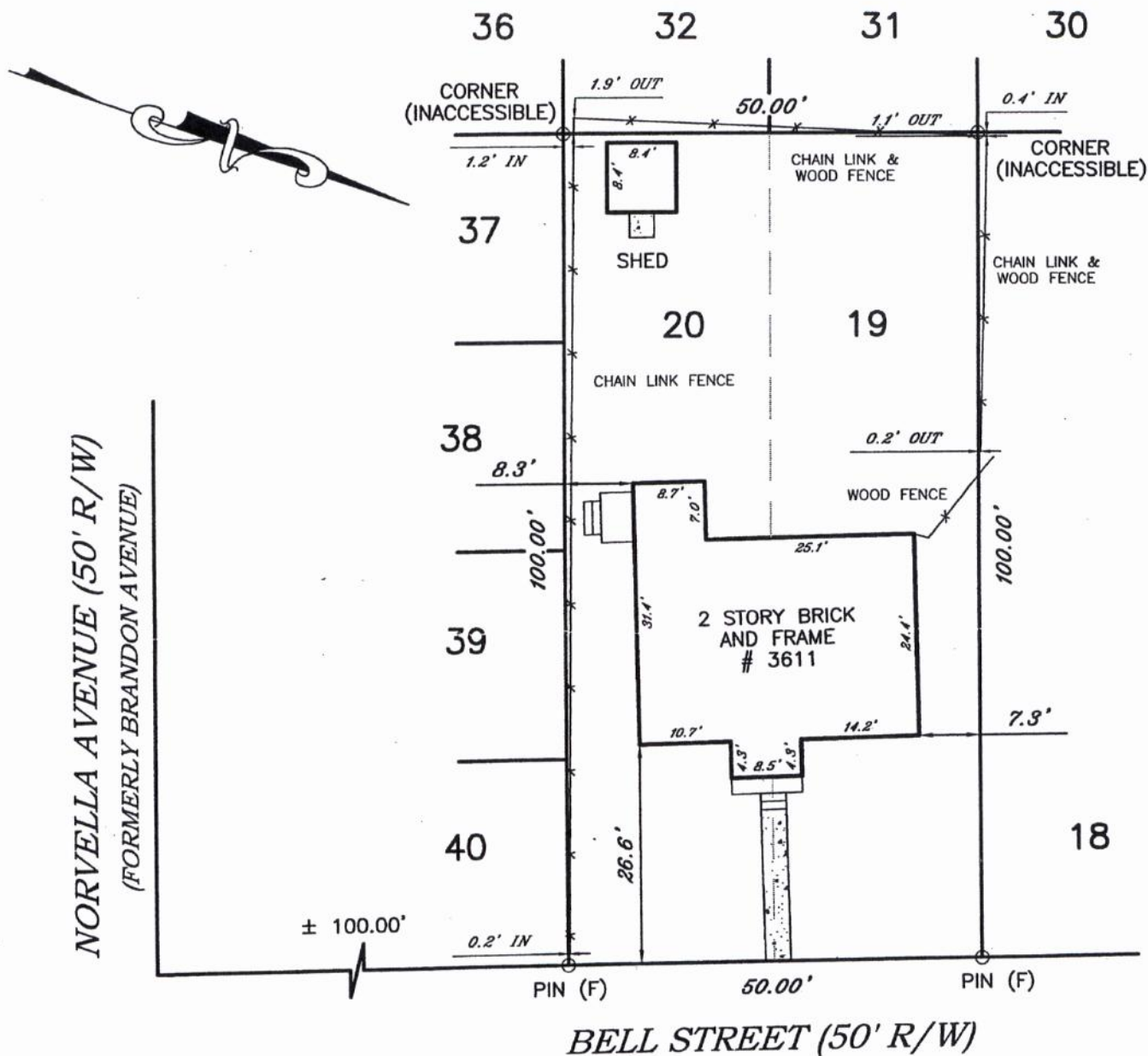
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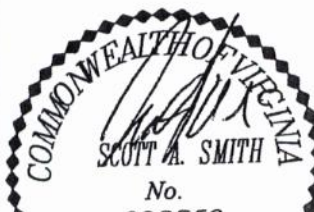


**AREA= 5000 SQ. FT.**



**HUNT CLUB CONSULTING**  
820 GREENBRIER CIRCLE, SUITE 12  
CHESAPEAKE, VIRGINIA 23320  
PHONE (757) 424-5833  
FAX (757) 424-5835

**FLOOD INFORMATION:**  
THIS PROPERTY APPEARS TO FALL IN FLOOD ZONE C  
AS SHOWN ON NATIONAL FLOOD INSURANCE RATE MAP,  
COMMUNITY # 510104 PANEL # 0006D  
NORFOLK, VIRGINIA  
DATED 4-17-84



**SCALE 1" = 20'**

**DATE: 11-22-04**

**PROJECT # 04-1329**

**PHYSICAL SURVEY  
OF  
LOTS 19 & 20, BLOCK 6, SECTION 1  
BRANDON PLACE  
3611 BELL STREET  
NORFOLK, VIRGINIA**

## Simons, Matthew

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**From:** Straley, Matthew  
**Sent:** Wednesday, December 16, 2015 11:20 AM  
**To:** 'greenwoodcivic1@aol.com'  
**Cc:** Johnson, Mamie; Williams, Angelia M.; Herbst, James; Simons, Matthew  
**Subject:** new Planning Commission application - 3611 Bell Street  
**Attachments:** Bettinas Daycare.pdf

Ms. Rochelle,

Attached please find the application for a special exception to operate a day care home at 3611 Bell Street.

The purpose of this request is to allow for the care of up to nine children at the existing day care home.

The item is tentatively scheduled for the January 28, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call *Matt Simons* at (757) 664-4750, [matthew.simons@norfolk.gov](mailto:matthew.simons@norfolk.gov)

Thank you.

### **Matthew Straley**

GIS Technician II

Norfolk Department of City Planning

810 Union Street, Suite 508 | Norfolk, Virginia 23510

[Matthew.Straley@norfolk.gov](mailto:Matthew.Straley@norfolk.gov) | Tel: 757-664-4769 | Fax: 757-441-1569



## Simons, Matthew

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**From:** Straley, Matthew  
**Sent:** Wednesday, January 20, 2016 1:51 PM  
**To:** Simons, Matthew  
**Subject:** FW: new Planning Commission application - 3611 Bell Street

FYI

**From:** Jackie Rochelle [mailto:greenwoodcivic1@aol.com]  
**Sent:** Tuesday, January 19, 2016 1:28 PM  
**To:** Straley, Matthew; Pollock, Susan  
**Subject:** Re: new Planning Commission application - 3611 Bell Street

Hello Mathew

Please be advised that Bettina Bergen attended the GENH Civic League meeting Jan 18 and presented her application for increasing the number of children she can have at her in-home daycare on Bell Street.

Prior to our meeting, Bettina had been in communication with our civic league and she has, in fact, joined the League. Additionally, after her application to planning, three members of our civic league went to the daycare during business hours to observe first-hand the current environment.

I am pleased to tell you that we found the daycare to be a clean, safe and healthy environment conducive to child care and Pre-Kindergarten/Kindergarten instruction. We observed the children to be well fed and comfortable within the existing environment. Further we found Bettina to be genuinely concerned for the health and well-being of the children currently enrolled in her daycare. The instructional program was age-appropriate.

In our opinion, the addition of four additional children will not crowd or negatively impact the welfare of children in the daycare or the community itself. Bell Street is frequently used by residents as a cut-thru within the neighborhood. The addition of four more vehicles daily on a street that has always had on-street parking will not create problems for the residents particularly since Bettina enforces strict rules relative to the parents not blocking driveways while they run in to drop-off or collect their child. Additionally, Bell Street is wide enough to accommodate the passage of emergency vehicles even if cars are parked along both sides of the street.

After consideration of these facts, GENH Civic League has voted unanimously to SUPPORT this application as detailed within the documents provided.

As always, if you have any questions or concerns, please contact me directly.

With kindest regards we wish you Happy New Year,

Jackie Rochelle  
GENH Civic League  
757-435-2302

-----Original Message-----

From: Straley, Matthew <Matthew.Straley@norfolk.gov>  
To: greenwoodcivic1 <greenwoodcivic1@aol.com>  
Cc: Johnson, Mamie <Mamie.Johnson@norfolk.gov>; Williams, Angelia M. <angelia.williams@norfolk.gov>; Herbst, James <James.Herbst@norfolk.gov>; Simons, Matthew <Matthew.Simons@norfolk.gov>  
Sent: Wed, Dec 16, 2015 11:20 am  
Subject: new Planning Commission application - 3611 Bell Street

Ms. Rochelle,